

REMARKS/ARGUMENTS

Claims 1-4, and 7-39 are pending in the application. Claims 1-4, 7-15 and 32-33 have been withdrawn pursuant to a restriction requirement. Reconsideration and a withdrawal of the rejections are respectfully requested in view of the above amendments and the following remarks.

Claims 16, 19-21, 26-31 and 36-39 stand rejected under 35 U.S.C. 103(a) as being obvious over Morely (US 1,663,719) in view of Guyon et al. (U.S. 2,244,193). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is respectfully requested.

Applicant's invention is not disclosed or suggested by the cited references. The Office Action contends that Morley discloses shells. However, the Office Action recognizes that Morley is deficient because it does not recite inserting its shell into a fryer submerging it in oil, and providing at least two shells, where the shell is heavy enough to sink. The Office Action then attempts to then consider that it would be obvious to use plural shells of Morley to provide for greater production and that because fryer baskets would be plural food holding members where food is held simultaneously. The Office Action considers that it would have been obvious to incorporate the fryer heat source of Guyon into the method of Morley.

The present invention is not obvious over the cited references.

Applicant has amended the claims to more particularly distinguish the invention. Applicant, in connection with the amendment to claim 16, recites that the removal of the

cooked food item from said shell includes lifting the first shell plate from the second shell plate, *wherein said first shell plate and said second shell plate remain connected to one another during said lifting*. The Guyon reference fails to disclose or suggest this feature.

Claim 16 also recites:

- removing the cooked food from the shell that approximates the shell configuration,

This feature also is distinguishable over Guyon, as Guyon is a large pan and is not a shell designed to provide a final shape to a food item, where the food approximates the shell configuration. Guyon fails to provide the features of the present invention.

Claim 16 further recites the feature of cooking the food in a shell where the cooked food is removed from the shell and where the cooked food may be removed independently of another cooked food item in another shell. Applicant can provide shells that may handle a single food item, and a shell that may be filled, cooked and opened for removal of a single cooked food item without having to open shell parts containing another food item. Claim 16 also recites:

- wherein removing said cooked food from said shell includes lifting said first shell plate from said second shell plate, wherein said first shell plate and said second shell plate remain connected to one another during said lifting, and wherein removing the cooked food comprises independently moving one of the first shell plate and the second shell plate relative to the other of the first shell plate and the second shell plate to remove the cooked food from the shell, wherein the cooked food of a shell is independently removable from said shell relative to each other cooked food item.

Neither Guyon nor Morley discloses or suggests the Applicant's claimed method. Applicant may lift a shell part relative to another shell part, allowing the shell parts to remain together, and remove the food item, and remove a food item by lifting the shell part, where that food item may be removed without having to open parts that enclose another food item (e.g., another shell containing another food item).

Accordingly, a number of the other independent claims 26, 29, 31 and 36 also have been amended to include these features, and, for the same reasons, the invention recited in each of those claims is not taught, suggested or disclosed by the cited references.

For these reasons, reconsideration and a withdrawal of the rejection is respectfully requested.

Claims 16-20, 26-28 and 36-39 stand rejected under 35 USC 103(a) as being unpatentable over Wilcox (U.S. 1,638,673) in view of Guyon et al. (U.S. 2,244,193). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection are hereby respectfully requested.

Applicant's invention is not obvious over the cited references. First, for the same reasons above, the present invention is not disclosed or taught by the cited references of Wilcox and Guyon.

Wilcox does not provide a disclosure or suggestion of the claimed features of the present invention, alone or even when combined with Guyon.

For the above reasons, the rejection is respectfully traversed.

Claims 16-20, 26-28 and 36-39 stand rejected under 35 USC 103(a) as being unpatentable over Downing (U.S. 3,727,875) in view of Bedel (U.S. D 77,875) and Guyon et al. (U.S. 2,244,193). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection are hereby respectfully requested.

For the same reasons above, the present invention is not obvious in view of the cited references, and the rejection should be withdrawn.

Claim 31 stands rejected under 35 USC 103(a) as being unpatentable over Downing (U.S. 3,727,875) in view of Bedel (U.S. D 77,875), Guyon et al. (U.S. 2,244,193) and Morley. This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection are hereby respectfully requested.

For the reasons set forth above in response to the other rejections, claim 31 is not obvious over the cited references.

Accordingly, withdrawal of the rejection is hereby respectfully requested.

Claims 22-25 stand rejected under 35 USC 103(a) as being unpatentable over Morely (US 1,663,719) in view of Guyon et al. (U.S. 2,244,193) in further view of Aurio. This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection are hereby respectfully requested.

For the reasons set forth above in response to the other rejections, claims 22-25 are not obvious over the cited references.

Accordingly, withdrawal of the rejection is hereby respectfully requested.

Claims 22-25 stand rejected under 35 USC 103(a) as being unpatentable over Downing, in view of Bedel and Guyon in view of Aurio. This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection are hereby respectfully requested.

For the reasons set forth above in response to the other rejections, claims 22-25 are not obvious over the cited references.

Accordingly, withdrawal of the rejection is hereby respectfully requested.

Claim 34 stands rejected under 35 U.S.C. 103(a) as being obvious over Morely (US 1,663,719) in view of Guyon et al. (U.S. 2,244,193) and further in view of Roberts (U.S. 5,359,924). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is respectfully requested.

Applicant's invention is not disclosed or suggested by the cited references.

For the same reasons set forth above in response to the other rejections, claim 34 is not obvious over the cited references.

Claim 34 stands rejected under 35 U.S.C. 103(a) as being obvious over Downing, in view of Bedel and Guyon et al. (U.S. 2,244,193) and further in view of Roberts (U.S. 5,359,924). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is respectfully requested.

Applicant's invention is not disclosed or suggested by the cited references.

In addition, Applicant's claim 34 provides discrete mold parts and linking thereof. The cited references would not suggest linking the mold parts identified in those references. If Downing were linked, it would be cumbersome, and besides, Downing shows multiple mold recesses on the same mold part.

Claim 34, which ultimately depends from claim 29, includes the feature of independent removal of the food item of a shell, as discussed above:

- wherein removing said cooked food from said shell includes lifting said first shell plate from said second shell plate, wherein said first shell plate and said second shell plate remain connected to one another during said lifting, and wherein removing the cooked food comprises independently moving one of the first shell plate and the second shell plate of one shell relative to the other of the first shell plate and the second shell plate of that same shell to remove the cooked food from that shell, wherein the cooked food of one shell is independently removable from said one shell relative to each other cooked food item in the other shell.

Instead of providing linking, which permits the independent functioning of each shell relative to another shell, this reference and the other references use multiple mold cavities on the same mold part. The references fail to disclose the present invention recited in claim 34.

Accordingly, a withdrawal of the rejection is hereby respectfully requested.

Claim 35 stands rejected under 35 U.S.C. 103(a) as being obvious over Morely (US 1,663,719) in view of Guyon et al. (U.S. 2,244,193) and Roberts (U.S. 5,359,924) in further view of Remley (U.S. 3,007,595). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is respectfully requested.

Applicant's invention is not disclosed or suggested by the cited references.

For the same reasons set forth above in response to the other rejections, claim 35 is not obvious over the cited references.

Accordingly, withdrawal of the rejection is hereby respectfully requested.

Claim 35 stands rejected under 35 U.S.C. 103(a) as being obvious over Downing, in view of Guyon et al. (U.S. 2,244,193), Bedel, and Roberts (U.S. 5,359,924) in further view of Remley. This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is respectfully requested.

Applicant's invention is not disclosed or suggested by the cited references.

In addition, Applicant's claim 35 provides a method that employs discrete mold parts and linking thereof. As discussed herein, the cited references would not suggest linking the mold parts identified in those references, nor would they suggest the specified method of linking that claim 35 provides.

Accordingly, withdrawal of the rejection is hereby respectfully requested.

Response to final Office Action dated December 4, 2009

Response dated: June 4, 2010

If further matters remain in connection with any of the rejections addressed herein, the Examiner is invited to telephone the Applicant's undersigned representative to hold an interview to discuss them.

If an extension of time is required, the Commissioner is requested to consider this a request for a petition for the appropriate extension of time.

Respectfully submitted,
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